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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

OMAR GUTIERREZ,

Defendant and Appellant.

A139678

(City and County of San Francisco  
Super. Ct. No. 218305)

Appellant, Omar Gutierrez, pled guilty to a single count of second-degree robbery pursuant to a negotiated disposition. Other counts were dismissed and appellant was sentenced to the midterm of three years in state prison, as agreed.

The record reflects that the robbery victim was walking in the area of Fifth and Mission Streets in San Francisco when a green car stopped and a group of males approached. One of the male suspects stated to the victim “Do you want to die?” A blue backpack was taken from the victim and, from his pocket, an iPhone, wallet, and various cards were taken. The victim identified the appellant as the driver of the green car and as the person instructing the others to “take his ID.” When the suspects were detained by police in the green car, some of the victim’s property was located inside.

Appellant was represented by counsel throughout the proceedings. Appellant was advised of his right to file a supplemental brief and no brief was filed. His guilty plea was entered and appellant was sentenced. Appellant refers to the Probation Report and argues that his presentence custody credits were incorrectly calculated. The sentence was validly entered and appellant received the agreed upon sentence.

The judgment is affirmed.

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REARDON, J.

We concur:

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RUVOLO, P. J.

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RIVERA, J.

*People v. Gutierrez* A139678